

AMENDED IN SENATE JUNE 1, 2010  
AMENDED IN SENATE APRIL 13, 2010  
AMENDED IN SENATE MARCH 25, 2010

**SENATE BILL**

**No. 834**

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**Introduced by Senator Florez**

January 4, 2010

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An act to add Section 1201.3 to the Penal Code, relating to court orders.

LEGISLATIVE COUNSEL'S DIGEST

SB 834, as amended, Florez. Court orders: minor victims: prohibitions on communications.

Existing law authorizes various postconviction orders by the court.

This bill would authorize the court, upon the conviction of a defendant for a sexual offense involving a minor victim, or if a juvenile petition involving a sexual offense against a minor victim is admitted or sustained, to issue orders prohibiting the defendant or juvenile, for a period up to 10 years, from harassing, intimidating, or threatening the victim, *or the victim's family members; or spouse, or coworkers, or requesting, encouraging, or instructing anyone to harass, intimidate, or threaten the same.*

Violation of these orders would be punishable as criminal contempt.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1201.3 is added to the Penal Code, to read:

1201.3. (a) Upon the conviction of a defendant for a sexual offense involving a minor victim, or in the case of a minor appearing in juvenile court ~~whose if a~~ petition is admitted or sustained for a sexual offense involving a minor victim, the court is ~~authorized to issue orders that would do either or both of the following:~~

(1) ~~Prohibit the defendant or juvenile authorized to issue orders that would prohibit the defendant or juvenile, for a period up to 10 years, from harassing, intimidating, or threatening the victim or the victim's family members, spouse, or coworkers. family members or spouse.~~

(2) ~~Prohibit the defendant or juvenile, for a period up to 10 years, from requesting, encouraging, or instructing anyone to harass, intimidate, or threaten the victim or the victim's family members, spouse, or coworkers.~~

(b) No order issued pursuant to this section shall be interpreted to apply to counsel acting on behalf of the defendant or juvenile, or to investigators working on behalf of counsel, in an action relating to a conviction, petition in juvenile court, or any civil action arising therefrom, provided however, that no counsel or investigator shall harass or threaten any person protected by an order issued pursuant to subdivision (a).

(c) Notice of the intent to request an order pursuant to this section shall be given to counsel for the defendant or juvenile by the prosecutor or the court at the time of conviction, or disposition of the petition in juvenile court, and counsel shall have adequate time in which to respond to the request before the order is made.

(d) A violation of an order issued pursuant to subdivision (a) is punishable as provided in Section 166.